

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

DONYELL STEWART

Criminal No. 21-cr-794 (RMB)

SEVENTH AMENDED
SCHEDULING ORDER AND
CONTINUANCE ORDER

This matter having come before the Court for arraignment on the Superseding Indictment; and the United States being represented by Philip R. Sellinger, United States Attorney for the District of New Jersey (by Jeffrey Bender, Assistant U.S. Attorney, appearing); and the Defendant being represented by Durann A. Neil, Esquire; and the parties having met and conferred prior to arraignment and having determined that this matter may be treated as a criminal case that does not require extensive discovery within the meaning of paragraph 3 of this Court's Standing Order for Criminal Trial Scheduling and Discovery; and the parties having agreed on a schedule for the exchange of discovery and the filing and argument of pretrial motions; and the Court having accepted such schedule; and

This matter having further come before the Court on the joint application of the parties for an order granting a continuance of proceedings in the above-captioned matter; and the defendant being aware that he has the right to have this matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to 18 U.S.C.

§ 3161(c)(1); and the defendant having consented to such continuance and having waived such right; and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The failure to grant a continuance would deny counsel for the defendant and counsel for the Government the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

2. As a result of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, therefore, on this 7th day of December, 2022,

ORDERED that this action be, and hereby is, continued until January 13, 2023; and it is further

ORDERED that the period from the date of this order through January 13, 2023 be and it hereby is excluded in computing time under the Speedy Trial Act of 1974, 18 U.S.C. § 3161 *et seq.*, and it is further

ORDERED that:

1. The Government shall have provided all discovery required by Federal Rule of Criminal Procedure 16(a)(1) on or before November 5, 2021.

2. The Government shall have provided exculpatory evidence, within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, on or before November 5, 2021. Exculpatory evidence that becomes known to the Government after that date shall be disclosed reasonably promptly after becoming known to the Government.

3. If there is more than one defendant named in the indictment, and if the Government intends to introduce into evidence in its case-in-chief a confession made to law enforcement authorities by one defendant that names or makes mention of a co-defendant, a copy of that statement or confession shall be disclosed by the Government on or before November 5, 2021. The Government shall have provided a proposed redaction to that statement to conform with the requirements of *Bruton v. United States*, 391 U.S. 123 (1968) and its progeny, on or before November 5, 2021.

4. The Defendant shall provide all discovery required by Federal Rule of Criminal Procedure 16(b)(1) on or before January 13, 2023.

5. The Defendant shall provide any and all notices required by Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3 on or before January 13, 2023.

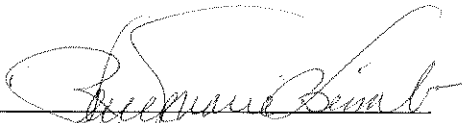
6. The following shall be the schedule for pretrial motions in this matter:

a) The Defendant shall file any and all pretrial motions, pursuant to Federal Rules of Criminal Procedure 12(b) and 41(h), in the manner set forth in L. Civ. R. 7.1, on or before January 13, 2023;

b) The Government shall file any response to the Defendant's pretrial motions on or before February 3, 2023;

c) The Defendant shall file any reply on or before February 17, 2023;

d) Oral argument on pretrial motions shall be held on a date to be set by the Court.


Honorable Renee Marie Bumb
United States District Judge

Consented to as to form and entry:

/S/JEFFREY BENDER
JEFFREY BENDER
Assistant U.S. Attorney

Durann Neil Jr Esq
DURANN A. NEIL, ESQ.
Counsel for defendant